Supreme Court of Canada

2008-2009 Estimates

A Report on Plans and Priorities

Approved

The Honourable Rob Nicholson
Minister of Justice and
Attorney General of Canada

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I: Departmental Overview

A. Registrar's Message

Preparation of the plans and priorities of the Office of the Registrar of the Supreme Court is firmly rooted in the mission of the Supreme Court of Canada, the "general court of appeal" for Canada, which, as the court of last resort, decides disputes of public importance. This function of the Court places it in the forefront of the development of the country's case law. The Office of the Registrar endeavours to provide the full range of services Canadians expect to be offered when addressing their highest court.

This Report on Plans and Priorities builds on last year's accomplishments. The Office of the Registrar serves the judges by lending them the support they need to deal with the complex cases submitted to them and does what is necessary to ensure that litigants and Canadian citizens have access to the Court. The plans are aimed at consolidating efforts to modernize the Court's processes together with its technical advances so that services provided to the judges, the legal community and the general public meet the high expectations placed on an institution that is essential to our country's democracy.

The Office of the Registrar strives both to satisfy the requirements of modern public management and to safeguard the institutional independence of the Court. Its fundamental priority is to process cases promptly. This requires a form of risk management that is adapted to the organization's needs, continuation of the work to modernize the Court, in particular the electronic management of court records and the ability to access them in the courtroom and possibly via the Internet, and development of the skills the Court's employees need in order to face the many everyday challenges and those that will arise in the future.

The talent and commitment of the Court's managers and employees are what enable the Office of the Registrar to carry on with its numerous current projects. The priorities relating to employee development and to positioning the organization for the future are central to the challenges the Office of the Registrar must meet. The Court's managers and employees are proud to strive for excellence in serving their fellow citizens and to join forces to continue to improve the administration of justice in Canada, which is cited as a model around the world.

B. Management Representation Statement

I submit for tabling in Parliament, the 2008-2009 Report on Plans and Priorities (RPP) for the Supreme Court of Canada.

This document has been prepared based on the reporting principles contained in the *Guide for the Preparation of Part III of the 2008-2009 Estimates: Reports on Plans and Priorities and Departmental Performance Reports*:

- It adheres to the specific reporting requirements outlined in the Treasury Board of Canada Secretariat guidance;
- It is based on the department's Strategic Outcome and Program Activity Architecture structure that was approved by the Treasury Board;
- It presents consistent, comprehensive, balanced and reliable information;
- It provides a basis of accountability for the results achieved with the resources and authorities entrusted to it; and
- It reports finances based on approved planned spending numbers from the Treasury Board of Canada Secretariat.

Name: _____
Anne Roland

Title: Registrar

C. Raison d'être

As the final court of appeal, the Supreme Court of Canada serves Canadians by leading the development of common and civil law through its decisions on questions of public importance. The mandate of the Supreme Court of Canada is to have and exercise an appellate, civil and criminal jurisdiction within and throughout Canada, which it meets by hearing and deciding cases of public importance. In accordance with the *Supreme Court Act*, the Supreme Court of Canada consists of the Chief Justice and the eight Puisne Judges.

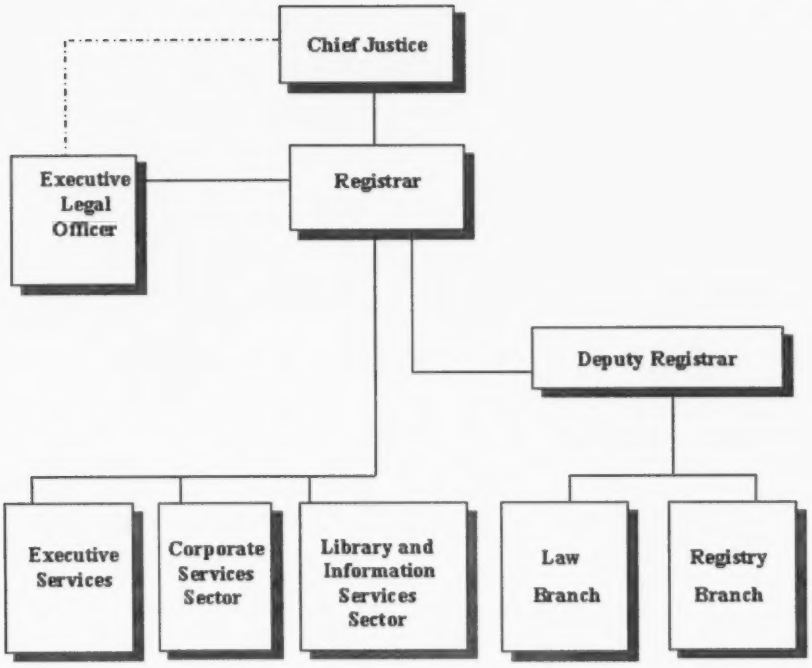
The Office of the Registrar of the Supreme Court of Canada exists to provide the full gamut of services the Court needs in order to hear cases and render decisions, and serves as the interface between the litigants and the Court. The focus of this report is the Office of the Registrar of the Supreme Court of Canada.

More detailed information on the Court's responsibilities, the hearing process and judgments is available on the Internet (http://www.scc-csc.gc.ca).

D. Organizational Information

The Supreme Court of Canada comprises the Chief Justice and the eight Puisne Judges, all of whom are appointed by the Governor in Council. The Supreme Court of Canada is the highest Court in Canada and one of its most important national institutions. It hears appeals from the decisions of the courts of appeal of the provinces and territories as well as from the Federal Court of Appeal. In addition, the Court is required to give its opinion on any question referred to it by the Governor in Council. The importance of the decisions of the Court for Canadian society is well recognized. The Court assures uniformity, consistency and correctness in the articulation, development and interpretation of legal principles throughout the Canadian judicial system. Its jurisdiction is derived from the *Supreme Court Act* and other *Acts of Parliament*, such as the Criminal Code.

The Registrar, also a Governor in Council appointee, reports to the Chief Justice, and heads the Office of the Registrar of the Supreme Court of Canada. The organization of the Office of the Registrar is depicted in the following diagram and further explained in the paragraphs that follow.



Executive Services

Appointed by the Governor in Council, the Registrar is the Deputy Head of the Court, is subject to the direction of the Chief Justice and exercises quasi-judicial powers. Her office provides executive services to the chambers of the nine Judges, the office of the Executive Legal Officer, the law clerk program, and dignitary visits.

Court Operations Sector

The Deputy Registrar, a Governor in Council appointee, oversees the work of the Court Operations Sector, which includes the Registry Branch and the Law Branch. Public information services, including the management of the Court's Tour Program, are also provided by staff in the Deputy Registrar's Office.

Library and Information Services Sector

Library and Information Services are provided by the Library, Information Management and Technology Branch and the Project Management Office (PMO). Sector services are designed primarily to serve the Court and its business units, and through them litigants, the media and the public. These responsibilities extend to the corporate level where this centre of expertise is charged with ensuring that the management of the Court's information meets legislative and central agency requirements.

Corporate Services Sector

The administrative support to the Judges and Court staff is provided by the Corporate Services Sector, which is responsible for accommodation, finance, procurement, human resources, administration, security and strategic planning.

E. Voted and Statutory Items Displayed in the Main Estimates

($ millions)

Vote or Statutory Item	Supreme Court of Canada	2008-2009 Main Estimates	2009-2010 Main Estimates
50	Program Expenditures	21.7	21.0
(S)	Judges' salaries, allowances and annuities, annuities to spouses and children of judges lump sum payments to spouses of judges who die while in office	5.2	5.4
(S)	Contributions to employee benefit plans	2.2	2.2
	Total Supreme Court of Canada	29.1	28.6

F. Planned Spending and Full-time Equivalents

($ millions)	Forecast Spending 2007-08	**Planned Spending 2008-2009**	Planned Spending 2009-2010	Planned Spending 2010-2011
Process Hearings and Decisions				
Budgetary Main Estimates (gross)	31.8	**29.1**	28.6	28.7
Non-Budgetary Main Estimates (gross)	-	-	-	-
Less: Respendable revenue	-	-	-	-
Total Main Estimates	31.8	**29.1**	28.6	28.7
Adjustments:				
Procurement Savings	(0.1)			
Supplementary Estimates:				
▸ Operating Budget Carryforward from 2006-2007	1.0			
Total Adjustments	0.9			
Total Planned Spending	32.7	**29.1**	28.6	28.7
Less: Non-respendable revenue	(0.2)	**(0.2)**	(0.2)	(0.2)
Plus: Cost of services received without charge	8.6	**8.6**	8.7	8.7
Total Departmental Spending	41.1	**37.5**	37.1	37.2
Full Time Equivalents	192.0	**193.0**	193.0	193.0

G. Summary Information

Financial Resources ($ millions)

2008-2009	2009-2010	2010-2011
29.1	28.6	28.7

Human Resources (Full-Time Equivalents)

2008-2009	2009-2010	2010-2011
193.0	193.0	193.0

Priorities

Name	Type
Court modernization	Previously committed to
Build capacity	Previously committed to

Program Activities by Strategic Outcome

		Planned Spending ($ millions)			
	Expected Results	**2008-09**	**2009-10**	**2010-11**	**Contributes to the following priority**
Strategic Outcome	To provide the best decision-making environment for the Supreme Court of Canada				
Program Activity					
Process hearings and decisions	• Cases processed without delay • Access to court services and information • Courtroom systems reliability • Access to reference information • Timely and accurate processing of payments to the Supreme Court pursuant to the *Judges Act*	29.1	28.6	28.7	• Court modernization • Build capacity

H. Departmental Plans and Priorities

Operating environment

The environment within which the Office of the Registrar must carry out its activities is continually evolving. The legal environment is becoming increasingly complicated and technological advancements place ongoing pressure on the Court to update its facilities, systems and services.

Changes and trends in court administration include:

1. **Continued focus on electronic exchange of information**. The general public has become more technically savvy, and more comfortable using electronic tools to carry out a wide variety of functions. Consistent with this broad trend, the public expects to be able to use electronic tools to interact with the Office of the Registrar's systems to obtain information and legal material. Judges and counsel are preparing their cases using electronic documents and require access to these documents electronically during hearings. Counsel are demanding the ability to use electronic information and technology while presenting their cases. Meanwhile, the number of electronic cases from the lower courts is increasing. While the Office of the Registrar is moving towards more electronic acceptance and processing of cases, the requirement for paper-based processes continues, and will continue for some time. As a result, parallel streams of case and information processing will be required.

2. **Complexity of the legal environment.** Factors such as globalization and the growing influence of privacy, security, secrecy and human rights issues continue to increase the complexity of cases heard. Increasingly complicated motions are being filed, and more applications for leave to appeal are being received from self-represented litigants, requiring additional effort and skill to address.

3. **Recent fluctuations in the caseload of the Court.** The workload of the Office of the Registrar in terms of caseload has been very stable over the last 10 years (around 90 appeals and 600 leave applications per year). However, in 2006 just over 500 leave applications were filed which lead to a reduction in the appeals heard in 2007 to 52. It would appear that this reduction was an anomaly, as 600 leave applications were filed in 2007, and expectations are that 85 appeals will be heard in 2008.

Priorities

The Office of the Registrar has two priorities for the reporting period:

1. **Court Modernization**. Court modernization is a multi-faceted program priority. At the highest level, the goal of the Court Modernization priority is to provide an optimum venue - the courtroom - for presenting and hearing cases, and to improve access to information before, during, and after hearings. This contributes to the Office of the Registrar's ability to provide the best decision-making environment for the Supreme Court.

   a. The first aspect of this priority is the modernization of the courtroom itself, in terms of audio-visual equipment, broadcast capability, information management / information technology amd the physical infrstructure. The courtroom project commenced in 2006-07, and will be completed in 2008-09. Key activities planned for 2008-09 include full implementation of information management capability for electronic case hearings, refinements to work already completed, and the addition of services to the public such as

webcasting and podcasting.

b. The second aspect of the court modernization priority is the development of an electronic document and records management system (EDRMS), which has two components: the corporate system, which will include all case-related and administrative records, referred to in the Office of the Registrar as C-doc, and the availability of case-related documents in the courtroom, referred to as the Courtroom Documents Display Tool (CDDT). EDRMS is integral to the Office of the Registrar's ability to provide case information in the courtroom, throughout the processing of cases, and via its website, after judgments are rendered. It will also provide the basis and structure for the introduction of an electronic filing portal, which is the third element of the Court Modernization priority. The implementation of the EDRMS began in 2007-08 and will continue for the next two fiscal years, with completion planned for March 31, 2010. A software solution was selected to build the framework to store and organize all business documents and content in one central location. The implementation plan uses iterations, building upon each other, starting with a small selection of test appeal files, moving to all appeal documents, administrative documents, and finally documents relating to the judgment process and leave application.

c. The third element to the court modernization priority is the development of a capability to accept electronic case files via a portal. E-Filing is the process of transmitting case related documents through an electronic medium rather than on paper. This process will allow the Electronic Document, Record Management System (EDRMS) to be populated with electronic documents accessible to Justices and SCC staff as well as in the Courtroom. Initially appeal case documents will be filed electronically simply on CD ROM, allowing for the focus to be kept on usability of documents, document standards and development of internal processes and procedures to manage these electronic documents. Later, probably in 2009-10, possibilities to move to a more sophisticated E-filing portal will be explored.

2. **Build capacity.** This is a management priority. The Office of the Registrar like many small departments and agencies faces challenges in attracting, hiring and retaining employees. Specific challenges have existed for some time in the case of specialized resources, such as jurilinguists and librarians, where the pool of candidates is small to begin with. Recently, the Office of the Registrar has experienced difficulties with administrative or support categories, such as financial officers and human resource officers. These groups are acknowledged to be in short supply across government. The Office of the Registrar has invested time and effort into the development of a human resource plan, and has made progress in terms of integrating human resource considerations into the overall business planning process. Further improvements will be made in 2008-09 including improvements to our Staffing strategy. A strategy to address recruitment and retention issues will be developed in 2008-09. Recruitment and retention of qualified employees is critical to the Office of the Registrar's ability to provide the best decision-making environment for the Supreme Court. We have also embarked in the creation of a Learning Management Framework to better identify individual and organizational learning needs with four other agencies that make up the HR Coop and with the assistance of the Canada School of the Public Service.

II. Analysis of Program Activities by Strategic Outcome

A. The Office of the Registrar's Strategic Outcome and Program Activity

The Office of the Registrar of the Supre me Court of Canada has a single strategic outcome:

- *To provide the best decision-making environment for the Supreme Court.*

The performance indicators for the strategic outcome relate mainly to the quality and timeliness of the service provided.

- **Level of satisfaction among judges regarding quality of service**. The judges are the primary clients of the Office of the Registrar, and thus it is critical to measure their satisfaction with performance. Satisfaction is monitored informally on an ongoing basis throughout the year by the Registrar's regular communication with the judges. However, satisfaction will be more formally monitored on an annual basis by conducting interviews with the judges. The interview will include among other things the timeliness of processing and the quality of support provided.

- **Level of satisfaction among lawyers regarding quality of service**. Lawyers represent the Office of the Registrar's second major group of stakeholders. The Office of the Registrar will continue to receive ad hoc feedback from counsel who appear before the Court as well as more formalized feedback from bench and bar committees such as the Court Ottawa Agents Practice and Procedures Committee and the SCC/CBA Liaison Committee. Feedback from counsel and self-represented litigants will also be collected via a "comment card" at the Registry counter.

This strategic outcome is supported by the Office of the Registrar's sole Program Activity - "Process hearings and decisions". The Office of the Registrar exists to provide the services the Court must have to render its decisions as the court of last resort. The principal responsibilities of the Office of the Registrar are to provide a full range of administrative and support services to the Judges and to manage cases coming to the Court.

Process Hearings and Decisions

$ millions	Forecast Spending 2007-08	**Planned Spending 2008-09**	Planned Spending 2009-10	Planned Spending 2010-11
Main Estimates	31.8	**29.1**	28.6	28.7
Total departmental spending	41.1	**37.5**	37.1	37.2
Full Time Equivalents	192.0	**193.0**	193.0	193.0

The Program Activity has three sub-activities as follows:

1. Management of Court Cases. In order to render decisions, the Court requires the support of the Office of the Registrar in the management of cases from receipt of an application for leave to appeal to the release of the bilingual judgment on appeal and its publication. The expected results for this sub-activity are "access to Court services and information" and "courtroom systems reliability". Both of these are key elements of the hearing process and must be in place if the Supreme Court is to render judgments.

2. Library Services. The *Supreme Court Act* requires the Registrar to, under the direction of the Chisf Justice, manage and control the library of the Court. Accordingly the Office of the Registrar provides legal library services with an extensive civil law and common law collection suited to the broad jurisdiction of the Supreme Court of Canada. The expected result for this sub-activity is "access to reference information", which is a necessary part of the Supreme Court's decision-making process.

3. Process Payments to the Supreme Court Judges Pursuant to the *Judges Act*. The *Judges Act* specifies the salaries of the Supreme Court judges, and prescribes other payments to be made to judges, namely allowances, removal, meeting, conference and seminars, and annuities, all of which are processed by the Office of the Registrar. The expected result for this sub-activity is "timely and accurate processing of payments". This is necessary to meet its statutory obligations.

B. Process hearings and decisions—Expected Results and Performance Indicators

Program Activity	Expected Result	Performance Indicators
Process hearings and decisions	Cases processed without delay	• Number of months between filing of application for leave and and decision on application for leave • Number of months between hearing and judgment

- **Number of months between filing of application for leave and and decision on application for leave.** The receipt of an application for leave is the beginning of the process for most appeals. Before hearing an appeal from the highest court in a province or the Federal Court of Appeal, the Supreme Court must give permission (or leave to appeal) to the appellant. The Office of the Registrar receives the application for leave, offers assistance to the parties, reviews the application, and provides legal and case management support to the panel of three judges of the Court who decide whether to grant or dismiss the application for leave. There is continuing pressure on the Office of the Registrar to minimize the processing time for applications for leave. The target for decision on an application for leave is 14 weeks, and statistics are maintained, allowing for regular monitoring.

- **Number of months between hearing and judgment**. Once leave to appeal is granted, a hearing date is set. Following the hearing of the appeal, the decision is rendered by the judges. Decisions can be delivered immediately, but most often there is a delay to allow the judges to issue reasons for the decision. Judges are supported in the decision writing process by their law clerks and staff of the Registry and the Law Branch. The bulk of the employee work is in translating, editing and summarizing the decisions of the Court and publishing decisions in the Supreme Court Reports, in accordance with the *Supreme Court Act*. The target for release of judgments is six months from the hearing date. Statistics are maintained, and elapsed time is monitored regularly. Statistics can be found on the Supreme Court's website: (http://www.scc-csc.gc.ca).

The following section provides additional details on the three sub-activities which comprise the Process hearings and decisions program activity.

Sub-Activity	Expected Results	Performance Indicators
Management of Court Cases	• Access to court services and information • Courtroom systems reliability	• % of lawyers and unrepresented litigants that were "satisfied" or "very satisfied" with Registry services • Number of hearing disruptions for technical reasons per year

- **Percentage of lawyers and unrepresented litigants that were "satisfied" or "very satisfied" with Registry services**. The Registry branch is the interface between the Office of the Registrar and the lawyers, self-represented litigants and the public. These groups contact the Registry for information regarding cases and the process of filing documents for applications for leave to appeal, and appeals. In 2006-07, a comprehensive survey was undertaken to assess the satisfaction of lawyers and self-represented litigants with Registry services. Results were very positive. It is planned to conduct similar surveys every two to three years to regularly assess performance. The target is to have 95% of those surveyed respond that they are satisfied or very satisfied with service. The Registry will also monitor client satisfaction by means of a "comment card", which any client attending at the Registry counter will be encouraged to fill out. The target for a "satisfied" or above rating will also be set at 95%.

- **Number of hearing disruptions for technical reasons per year**. The Office of the Registrar will be completing the Courtroom element of the Court Modernization priority in 2008-09, but with the work completed to date, the audio-visual equipment in place is far more stable and supported by an emergency back-up system that will allow seamless proceedings in the event of a technical failure. Disruption reports are maintained which describe any equipment problems or failures, and the resolution, including whether the hearing had to be delayed or in the worse case, rescheduled. The intention is that acting quickly on any problems and failures combined with a rigorous testing and maintenance program will ensure disruptions are minimized. The target is to have no disruptions caused by technical failures in a year.

Sub-Activity	Expected Result	Performance Indicators
Library Services	• Access to reference information	• % of factual/bibliographic requests for reference assistance responded to within service standard of 1 working day • % of complex/substantive requests for reference assistance responded to by date required by client • % of users that were "satisfied" or "very satisfied" with library services

- **Percentage of requests for reference assistance responded to within service standards or by date required by client.** Requests for reference assistance may be factual or bibliographic, which can generally be responded to by reference to an authoritative source, or may be complex or substantive in nature, which means the request may require unique approaches, consultation with various sources, and ultimately the exercise of judgment. Therefore, two separate indicators have been developed to assess these very different types of requests. A standard of one working day has been established for factual bibliographic requests. In the case of complex or substantive requests, the date the client requires the information will be the basis

for performance measurement. In both cases, the target has been established at 95%. The Library Branch will maintain statistics on requests and will measure performance on a sample basis at various times throughout the year.

- **Percentage of users that were "satisfied" or "very satisfied" with library services**. The Library provides legal information and research services, including the acquisition of a comprehensive legal collection in print and electronic formats, customized legal awareness tools and services such as an inter-library loan service, and access to electronic resources. Library staff receive feedback on a regular basis from users on a range of subjects including ability to find relevant material, ease of searching, availability of useful material, etc. In order to more formally capture the satisfaction of users, the Library will conduct a survey approximately every four years. The target is to obtain satisfied or very satisfied ratings from 95% of respondents.

Sub-Activity	Expected Result	Performance Indicators
Process payments to the Supreme court pursuant to the *Judges Act*	• Timely and accurate processing of payments	• % of payments processed within service standards • % of errors on payments

- **Percentage of payments processed within service standards**. The Financial Management Branch will commence tracking processing times for payments to judges in 2008-09. The standard is to process a payment within five working days. The target is to have 95% of payments processed within the five day standard.

- **Percentage of errors on payments**. Financial Management staff may receive feedback from judges when errors have been made in payments, however, this is not a reliable method of assessing the accuracy of the payments. Accordingly, an independent file review will be conducted every two to three years in order to formally assess the accuracy of these payments. The target is to have no more than a two percent error rate.

III: Supplementary Information

A. Tables

Table 1 - Departmental Link to Government of Canada Outcomes

Strategic Outcome: To provide the best decision-making environment for the Supreme Court					
		Planned Spending			Alignment to Government of Canada Outcome Areas
	Expected Results	2008-09	2009-10	2010- 11	
Process hearings and decisions	• Cases processed without delay • Access to court services and information • Courtroom systems reliability • Access to reference information • Timely and accurate processing of payments to the Supreme Court	29.1	28.6	28.7	Government Affairs

The Supreme Court of Canada is Canada's highest court of law. It is the final general court of appeal, the last judicial resort for all litigants, whether individuals or governments. The Supreme Court of Canada stands at the apex of the Canadian judicial system, and as such is a fundamental element of the Canadian structure of government. Because of this position, the strategic outcome of the Office of the Registrar of the Supreme Court of Canada - "to provide the best decision-making environment for the Supreme Court"- contributes to the Government Affairs outcome area. The Court was highlighted in the Government Affairs chapter of the 2006-07 Annual Report to Parliament on Canada's Performance.

Other financial tables may be found electronically at the following link: http://www.tbs-sct.gc.ca/est-pre/20082009/p3a_e.asp. These include the following:

- Services Received Without Charge
- Summary of Capital Spending by Program Activity
- Sources of Respendable and Non-Respendable Revenue
- Internal Audits
- Green Procurement

B. Contacts for Further Information

Supreme Court of Canada Building 301 Wellington Street Ottawa, Ontario K1A 0J1	General Enquiries Telephone: (613) 995-4330 Fax: (613) 996-3063
World Wide Web: http://www.scc-csc.gc.ca	Internet Access reception@scc-csc.gc.ca
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Lynn Potter - Acting Director General, Corporate Services Telephone: (613) 996-0429	E-mail: potterl@scc-csc.gc.ca

C. Listing of Statutory and Departmental Reports

Supreme Court Reports

Pursuant to section 17 of the *Supreme Court Act*, the Registrar or the Deputy Registrar, as the Chief Justice directs, is responsible for the publication of the judgments of the Court in the *Supreme Court Reports*, which include all the reasons for judgment rendered by the Court in a given calendar year.

D. Legislation Administered

Supreme Court Act	R.S.C. 1985, C.S-26 as amended
Judges Act	R.S.C. 1985, C.J-1 as amended